

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Investigation Number:
03144-0600

Reporting Office:
Dallas, TX, Area Office

Investigation Name:
Arkansas Gravel Company

Activity Date:
09/27/2021

Subject of Report:
2021-09-27; Site Surveillance and Interviews of NuStar Operators

Reporting Official and Date:
(b) (6), (b) (7)(C)

Special Agent
27 Sep 2021, Signed by (b) (6), (b) (7)(C)

Approving Official and Date:
(b) (6), (b) (7)(C)

Assistant Special Agent in Charge
29 Sep 2021, Approved by (b) (6), (b) (7)(C)
Assistant Special Agent in Charge

DETAILS:

On September 26, 2021, Special Agent (SA) (b) (6), (b) (7)(C) was contacted by (b) (6), (b) (7)(C), Health/Safety/Environmental Director for NuStar Energy and advised that NuStar employees had completely excavated the area surrounding the affected area of the pipeline that was ruptured by an excavator operated by an Arkansas Gravel Co., Inc. (AGC) employee. (b) (6), (b) (7)(C) advised the site would be allowed to air out overnight so work crews could safely begin removing the damaged portion of the pipe on September 27, 2021.

On September 27, 2021, at approximately 0700 hours, SA (b) (6), (b) (7)(C) arrived at the incident site and was escorted by NuStar employees along their pipeline right of way to view and document the damaged pipeline. SA (b) (6), (b) (7)(C) obtained several photographs and video and measurements of the affected pipe and surrounding area, which are attached to the case file due to size of the data.

The odor of anhydrous ammonia (NH₃) was still heavy in the air when SA (b) (6), (b) (7)(C) visited the site and evidence documentation had to be suspended on two occasions due to the presence of ammonia in the atmosphere. SA (b) (6), (b) (7)(C) also observed the vegetation and trees adjacent to the incident site had turned black and were dying due to their exposure to the NH₃ released from the pipeline.

SA (b) (6), (b) (7)(C) also obtained photographs and video and bucket measurements of the excavator owned by AGC, which was the piece of equipment operated by AGC employee Charles "Chuck" Martin on September 23, 2021, the day he is suspected to have used it to cause the rupture on the NuStar pipeline. The excavator is a Hyundai HX 480L.

SA (b) (6), (b) (7)(C) spoke with (b) (6), (b) (7)(C), who stated several NuStar employees had utilized the aforementioned excavator during remediation

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activities to unearth the affected pipe with the permission of (b) (6), (b) (7)(C), (b) (6), (b) (7)(C).

SA ^{(b) (6), (b) (7)(C)} spoke to the following NuStar employees who had operated the Hyundai HX 480L during excavation operations:

(b) (6), (b) (7)(C)

All of the aforementioned individuals stated the excavator worked fine and none of the NuStar employees observed or experienced any mechanical / hydraulic issues while operating the Hyundai HX 480L owned by AGC.

ATTACHMENT(S):